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Ser. No. 10/069,262  
Response to Restriction Requirement of 24 September 2003  
Atty Docket 117040-53

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REMARKS

This response is made to the second restriction requirement in this matter, with this requirement being properly made under the standard set forth in PCT Rules 13.1 and 13.2.

In the restriction requirement, the Examiner has stated that the application contains two inventions, as follows:

Invention I Claims 1-4, drawn to a semiconductor device

Invention II Claims 5-32, drawn to a process for manufacturing a semiconductor device.


In making the restriction requirement, the examiner has determined that the special technical feature of the Invention II claims is a complex process and apparatuses required to make a semiconductor device and that the general semiconductor device claimed in Invention I does not require the special technical feature. Applicant traverses this determination on the basis that the examiner has not sufficiently studied the particular limitations of claims 1-4 to properly determine whether they possess a special technical feature that can be achieved substantially only through a method as described in the Invention II claims, in which case the restriction requirement would be improper under the Rule 13.2 standard.

Election of Invention

In spite of the applicant's objection to the restriction requirement, applicant elects to prosecute **INVENTION I**, that is, **claims 1-4**, as required by rule. Because the applicant believes that the restriction requirement should be withdrawn, applicant does not cancel any claims to the non-elected invention.

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Respectfully submitted,

  
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